THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.10437 of 2000

Dated: 01.11.2007

Between:

The Visakhapatnam Port Employees' Union,
Visakhapatnam, rep. by its General Secretary
D.K.Sarma.

.. Petitioner

and

Government of India, Ministry of
Surface Transport, rep. by its
Joint Secretary (Transport),
New Delhi
and another. .. Respondents

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ORDER:

The petitioner, which is an employees' Union, approached this Court and filed the present writ petition for a Writ of Mandamus declaring the action of the 2nd respondent in implementing the Resolution No.178/98-99, dated 29.09.1998, of the Board of Trustees of the Visakhapatnam Port Trust, without the necessary and prior approval of the Central Government, in the matter of delegation of powers at various levels of administration on behalf of the Port Trust in respect of various activities of the Port Trust etc., as illegal, void and unjust and consequently, direct the respondents not to implement the said resolution without the prior approval of the Central Government.

2. On perusing the material available on record and also on hearing the submissions put forth by the counsel on both sides, I find no necessity of going into the details of the case.

3. When *Rule nisi* was issued by this Court on 21.06.2000, having heard the petitioner's counsel as well as the learned Standing Counsel for Visakhapatnam Port Trust, this Court passed an order directing the 2nd respondent not to effectuate clauses (a) and (b) of the impugned resolution without prior approval of the Central Government, pending further orders.

4. In the light of the said interim order passed on 21.06.2000, the said resolution is not implemented. But, subsequently, it appears that the Central Government itself brought an amendment and enhanced the powers of the Chairman of the Port Trust, and in view of the said amendment, this Court is of the view that the said resolution can never be implemented, and the writ petition has become infructuous.

5. Accordingly, the writ petition is dismissed as having become infructuous. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.01.11.2007

v v